

#### IV. Remarks.

The Examiner entered the following rejections.

1. Claim 11 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claims the subject matter which the applicant regards as the invention.

Please refer to amended claim 11.

2. Claims 1-10, 13-22, 28, 31 and 32 are rejected under 35 USC 102(e) as being anticipated by Baranda et al. 6,739,433 B1.

As to independent claims 1, 13, 28, Baranda teaches a tension member for an elevator system. The Examiner argues that Fig. 5 teaches a plurality of ribs with an angle of approximately 90°. It is not clear from the Examiner's argument as to which portion of the tension member teaches a rib angle of 90°.

Applicant respectfully disagrees with this characterization. The belt shown in Fig. 5 comprises a tension member 92 having a contoured engagement surface 94 that is defined by the encapsulated cords 96, col. 7, lines 45-47. Encapsulated cords 96 are round, see Fig. 5, therefore, contoured engagement surface 94 comprises a plurality of adjacent round portions and does not teach a ribbed profile having a rib angle (claim 28) of approximately 90° (claims 1, 13) as claimed. Ribs have a known meaning in the art. Please see the explanation set forth in the following argument for the 103 rejection.

Contrary to the cited reference, there are several nonobvious benefits to the use of ribs as claimed, including, the rib form allows an increase in pulley engaging surface area which increases the torque that can be transmitted by the lift pulley, as well as allowing a reduction in belt width for a given load and torque, as well as decreasing an operating noise level, see application page 5, lines 1-20.

Claims 2-10 depend directly or ultimately from claim 1.

Claims 14-22 depend directly or ultimately from claim 13.

Claims 31, 32 depend from claim 28.

Applicant requests this rejection be withdrawn as to all claims.

3. Claims 1-26 and 28-32 are rejected under 35 USC 103(a) as being unpatentable over Schroder-Brumloop et al 6,138,799 (S-B) in view of Robar et al. 6,633,159.

As to claims 1, 13, 26, 28 neither S-B nor Robar teaches a ribbed profile having a rib angle. More particularly, Fig. 4 of S-B teaches a belt having *teeth*, each tooth extending across (or parallel to) the width of the toothed belt 44, col. 3, lines 19-25. Robar teaches only a flat belt, see Fig. 1, and therefore does not teach ribs.

“Teeth” (or “toothed”) and “rib” each have distinct and known meanings in the art. They are not equivalent. Teeth and ribs are disposed at right angles relative to each other as used on a belt and are not interchangeable in service situations. By extension, toothed belts and ribbed belts are not interchangeable in any type of service.

Teeth are used on synchronous belts and can be used for timing rotating sprockets, for example, between a crankshaft and a camshaft for timing an engine. Teeth may also be referred to as “cogs”. The toothed belt may only operate trained between sprockets. Sprockets have cooperating grooves and teeth for meshing with the toothed belt. S-B only teaches a toothed belt with no mention of ribs. The Examiner is referred to the following website for a broader explanation of toothed belts: [http://www.gates.com/brochure.cfm?brochure=918&location\\_id=557](http://www.gates.com/brochure.cfm?brochure=918&location_id=557). See also: [http://www.gates.com/facts/index.cfm?show=Engineering&location\\_id=3258](http://www.gates.com/facts/index.cfm?show=Engineering&location_id=3258).

See also “Trends in Power Transmission: The Synchronous Belt” consisting of four pages, attached.

The instant application claims ribs. Each rib extends in a direction *normal* to the width of the belt, see application Fig. 1. It is known in the art that as to “ribbed” belts each rib extends normal to the width of the belt. Ribbed belts (or also “v-ribbed”) are trained between pulleys having cooperating adjacent ribs in which the ribbed belt is engaged. Ribbed belts are not used for timing service as are toothed belts since ribbed belts do not engage the pulley in a position mechanical manner. There is some slip between the ribbed belt and the pulley, unlike the toothed belt which has a mechanical engagement between cooperating grooves and teeth. The Examiner is referred to the following website for a broader explanation of ribbed belts:

[http://www.gates.com/brochure.cfm?brochure=1026&location\\_id=540](http://www.gates.com/brochure.cfm?brochure=1026&location_id=540)

See also “Sizing Up V-Ribbed Belts” consisting of five pages, attached.

As to independent claims 1, 13, 26 and 28, since the belt depicted in S-B only teaches a toothed belt having teeth the limitation of a ribbed profile having a rib is not taught by the proposed combination.

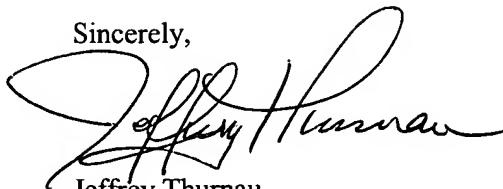
Applicant requests withdrawal of this rejection and allowance of all claims.

V. Fees

Any fees payable for this response may be deducted from deposit account 07-0475 in the name of The Gates Corporation.

Thank you for your attention to this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Thurnau", written over a horizontal line.

Jeffrey Thurnau  
Attorney for Applicant  
Reg. No. 42,183  
303-744-4743

Date: Oct. 26, 2004

**\*26683\***

**26683**

PATENT TRADEMARK OFFICE